



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/996,249	12/22/97	SAMS	R 197-0216

000576
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PM82/0712

EXAMINER

BINDA, G

ART UNIT	PAPER NUMBER
3629	//

DATE MAILED: 07/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/996,249

Applicant(s)

Sams et al

Examiner

Greg Binda

Group Art Unit

3629

 Responsive to communication(s) filed on May 9, 2000. This action is FINAL. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

 Claim(s) 1, 2, 4, 5, and 10-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

 Claim(s) _____ is/are allowed. Claim(s) 1, 2, 4, 5, and 10-12 is/are rejected. Claim(s) _____ is/are objected to. Claims _____ are subject to restriction or election requirement.

Application Papers

 See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on _____ is/are objected to by the Examiner. The proposed drawing correction, filed on _____ is approved disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

 Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Specification

1. The disclosure is objected to because it contradicts itself. On page 4, lines 9-12, "diameter 30" is described as "not a bearing surface," but on page 5, line 6, "surface 30" is described as a "bearing surface".

Claim Rejections - 35 U.S.C. § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2, 4, 5 & 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Fig. 1. Fig. 1 shows all the limitations of the claimed invention including a trunnion with an unmachined surface covered by a cup with a machined surface (see page 1, line 26), but the trunnion and cup shown in Fig. 1 are an integral assembly, not two parts press fit together as in the claimed invention. However, it would have been obvious to one of ordinary skill in the art to make the cup with the machined surface separable from that of the trunnion with the unmachined surface in order to simplify, and thus reduce the cost of, manufacturing the tripod bearing assembly, since it is more cost effective to machine the surface of cup than that of a trunnion attached to a spider.

Applicant should note *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) where the court held that when it is considered desirable for any reason to make separable

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an otherwise inseparable connection between two parts then it is obvious to make the parts separable.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Asahara et al shows, in Fig. 1, a trunnion 4 with a machined surface. See also col. 3, lines 10-13
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Tuesday through Friday from 8:00 am to 5:30 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4195, 305-3597 and 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Patent Examiner



Lynne H. Browne
Supervisory Patent Examiner
Group 3600